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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/802,531	03/15/2004	Andreas P. Heiner	944-003.204	3521

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EXAMINER	
HAN, QI	

ART UNIT	PAPER NUMBER
2626	

MAIL DATE	DELIVERY MODE
12/08/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/802,531	HEINER ET AL.	
	Examiner	Art Unit	
	QI HAN	2626	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *07 April 2008 and 07 August 2008*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,3-15,17-27 and 32-34* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,3-15,17-27 and 32-34* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Response to Amendment

2. This communication is responsive to the applicant's amendment dated 04/07/2008 and 08/07/2008. The applicant(s) amended claims 1, 3-4, 6-7, 12, 15 and 17-27, cancelled claims 2, 16 and 28-31, and added new claims 32-34 (see the amendment: pages 3-8).

The examiner withdraws the specification objection regarding claim 10, 24,11, 25 and 14, because the applicant properly amended the corresponding contents of the specification.

The examiner withdraws the claim objection, because the applicant properly amended the corresponding claims.

Response to Arguments

3. Applicant's arguments filed on 04/07/2008 with respect to the claim rejection under 35 USC 103, have been fully considered but are moot in view of the new ground(s) of rejection, since the amended claims introduce new issue or new matter, which change the scope of the claims.

It is noted that the response to the applicant's arguments based on the newly amended claims (see Remarks: page 9) is directed to the claim rejection with the necessitated new ground(s) (see detail below).

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 5-7 and 19-21 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Regarding claims 3 and 17, the newly amended limitation of "said subset of phrases is selected from a group comprising phrases for a hotel, airport, hospital, and restaurant" introduces new subject matter, because it is not **specifically** disclosed or **fully** supported in the original specification.

Regarding claims 5, 7, 19 and 21, the rejection is based on the same reason described for their parent claims 3 and 17, because the dependent claims include/inherit the same problematic limitation as their parent claims.

Regarding claims 6 and 20, the newly amended limitation of "wherein parts of said translation data in said primary language that are irrelevant to the present or anticipated context are deleted, substantially while the selected subset of phrases in said primary language is added" introduces new subject matter, because it is not **specifically** disclosed or **fully** supported in the original specification.

Claim Rejections - 35 USC § 103

4. Claims 1, 4, 6, 8-15, 18, 20, 22-27 and 32-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over COX et al. (US 7,272,377 B2) hereinafter referenced as COX in view of KRAEMER at al. (US 2003/0065504 A1) hereinafter referenced as KRAEMER.

As per claim 15, COX discloses 'system and method of ubiquitous language translation for wireless device (apparatus)'(title), comprising:

"a language translation device (Fig. 5 and Fig. 1, 12) that includes a database configured to accommodate translation data, the language translation device being equipped to provide a number of language translation services to a user, and the language translation device being responsive to a contextual translation data update signal [that updates the database]", (see Fig. 1 and 5; col. 1, lines 13-67; and col. 4, lines 16-59, 'providing ubiquitous language translation services using a wireless device (language translation device), 'if the ASR (automatic speech recognition), language translation and speech synthesis functions (read on a number of language translation services, which necessarily and inherently include database(s), such as translation database/table/dictionary for implementing the functions) are performed locally on the wireless device 12, then the only information transmitted (being responsive) to the wireless device by the network is the updated language priority listing (contextual translation data update signal)', 'multi-language database 30 stores the various data necessary to translate the source language message into variety of target languages' and 'such data may be stored in database 30 or some or all of the information may be downloaded to the wireless device 12', which also implies that

device stores the data/information in certain database/table/dictionary that is interpreted as database in a broad sense);

"an electronic data input and output module (Fig. 5, combination of 92 and 100), configured to provide the contextual translation data update signal to the language translation device, the electronic data input and output module being responsive to a context change signal [indicative that the database may need to be updated]" (col. 4, lines 16-59, 'information transmitted to the wireless device by the network is the updated language priority listing', 'some or all of the information may be downloaded (input) to the wireless device 12', mechanism 'communicating with the network' can also read on the input and output module; Fig. 3 and col. 6, line 35 to col. 7, line 3, 'target language lists may be transmitted to the wireless device', 'display 60 (output device)' shows that 'menu 64 (output) includes a listing (corresponding to the context change signal) of available target languages');

"wherein the contextual translation data update signal is input into the apparatus, and the context change signal is output from the apparatus" (as stated above).

It is noted that COX's discloses a functionally similar mechanism as claimed "a context comparator for providing the context change signal if the translation data is insufficient to cover a present or anticipated context of the apparatus" (Fig. 1 and col. 6, lines 25-29, 'the database 28 stores demographic information.., such that the network can compare the location of the wireless device 12 to the detailed demographic data and transmit (provide) the prioritized target language or group of prioritized target languages to the wireless device 12'; and col. 5, lines 30-65) in network, but it is not physically on the apparatus (such as mobile terminal). However, COX further discloses that 'the language and location database 28 may also be included in any other

module' and 'the particular location of these modules in the network, or on the wireless device is immaterial and any convenient location for them is considered' (col. 8, lines 44-48). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to recognize that a context comparison mechanism for providing context change signal can be either in a network or on an apparatus (such as wireless device) based on considering convenient location for the related functions, and to combine different teachings of COX by providing a context comparison mechanism with a context change signal in an apparatus (such as wireless device), as suggested by COX, for the purpose (motivation) of considering convenient location for the related function modules (COX: col. 8, lines 46-49), because when the ASR, language translation, and speech synthesis functions are performed on the device (COX: col. 4, lines 43-47), performing the related context comparison on the device would be considered as suitable choice and/or convenient location for the processing, which is within the scope of capability of the skilled person in the art and the result would be predictable.

COX does not **expressly** disclose the contextual translation data update signal that "**updates the database**" and the context change signal "**indicative** that the **database** may need to **be updated**". However, the feature is well known in the art as evidenced by KRAEMER who discloses 'instant verbal translator' (title), providing 'mobile translation capabilities' (abstract), comprising mobile terminal such as 'personal data assistants (PDA), lap top computers' including 'database' and 'communication interface' (including input and output signal) (p(paragraph)18-p 19), and teaches that 'multiple databases and/or partitionable databases may be utilized' to 'recognize, interpret and translate verbal communications' for different languages and 'additional database may also be provided for translating additional languages or the databases may be

substituted for each other as necessary' (p21); 'the local/proximate database receives updated information (corresponding to contextual translation data update signal) from the centralized and/or regional databases as needed (by user)' and 'provide translations for a limited number of languages' and 'the languages stored in the local database may be substituted with another language upon establishing a wired or wireless connection with a central/regional database and downloading (adding) the desired language while deleting an undesired language (irrelevant to the present or anticipated context)' (p24). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to recognize that updating local database must be needed/desired by user and is necessary through a request and/or a confirmed information (corresponding the context change signal) from a local user device, and to modify COX by providing local database(s) with translations for a limited number of languages and a mechanism of updating the database(s) as needed, as taught by KRAEMER, for the purpose (motivation) of providing mobile translation capabilities to any person at any location (KRAEMER: abstract) and/or reducing the complexity/requirement of processing capabilities for local device(s) (mobile terminal) (KRAEMER: p24) so as to reduce the cost of the local device(s).

As per claim 18 (depending on claim 15), the rejection is based on the same reason described for claim 15, because it also reads on the limitations of claim 18.

As per claim 20 (depending on claim 15), as best understood in view of the claim rejection under 35 USC 112 1st (see above), the rejection is based on the same reason described for claim 15, because it also reads on the limitations of claim 20.

As per claim 22 (depending on claim 15), the rejection is based on the same reason described for claim 15, because it also reads on the limitations of claim 22.

As per claim 23 (depending on claim 15), the rejection is based on the same reason described for claim 15, because it also reads on the limitations of claim 23.

As per claim 24 (depending on claim 23), COX in view of KRAEMER further discloses "the indication of at least one translation need or desire includes identification of a language in which the user is fluent" (COX: col. 5, lines 33-35, 'English speaking person'; Fig. 3 and col. 6, lines 38-45 'source language'; also see KRAEMER: p21).

As per claim 25 (depending on claim 23), COX in view of KRAEMER further discloses "the indication of at least one translation need or desire includes identification of a particular word or phrase that the user will, or may, need to have translated" (COX: col. 1, lines 50-64, 'a source language speech input' comprising 'words, sentences, and phrases in a natural spoken language', 'recognizes (identifies) source expressions in the source language'; also see KRAEMER: p21).

As per claim 26 (depending on claim 23), COX in view of KRAEMER further discloses "the number of language translation services is zero if the user is in, or arriving at [from], a country where the user speaks fluently" (COX: Fig. 3, wherein one of ordinary skill in the art would recognize that when the languages in block 64 and 62 are the same, there is no need for translation (the services is zero)).

As per claim 27 (depending on claim 15), the rejection is based on the same reason described for claim 15, because it also reads on the limitations of claim 27, wherein 'speech synthesis' disclosed by COX reads on the claimed "at least on text-to-speech feature".

As per claims 1, 4, 6 and 8-13, they recite a method. The rejection is based on the same reason described for claims 15, 18, 20 and 22-27 respectively, because the method claims and apparatus claims are related as apparatus and method of using same, with each claimed element's function corresponding to the claimed method step.

As per claim 14, it recites a computer readable medium. The rejection is based on the same reason described for claim 1, because it recites the same or similar limitations as claim 1.

As per claim 28, the rejection is based on the same reason described for claim 15, because it also reads on the limitations of claim 28.

As per claim 32, the rejection is based on the same reason described for claim 1, because it recites the same or similar limitations as claim 15.

As per claim 33, the rejection is based on the same reason described for claim 1, because it also reads on the limitations of claim 15, wherein, one of ordinary skill in the art would have recognized that after downloading/updating the database the language translation, it would have no need for external translation resource support.

As per claim 34, the rejection is based on the same reason described for claim 1, because it also reads on the limitations of claim 15.

5. Claims 3, 5, 7, 17, 19 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over COX in view of KRAEMER as applied to claim 15, and further in view of ZHOU at al. (US 2004/0167770 A1) hereinafter referenced as ZHOU.

As per **claim 17** (depending on claim 15), as best understood in view of the claim rejection under 35 USC 112 1st (see above), COX in view of KRAEMER does not expressly

disclose "said subset of phrases is selected from a group comprising phrases for a hotel, airport, hospital, and restaurant". However, the feature is well known in the art as evidenced by ZHOU who discloses 'methods and systems for language translation' (title) providing 'translation service' to 'a wireless mobile device through a selective downloading of information from a server' (abstract), comprising 'specialized database' including 'specific words and phrases associated with a destination city, such as particular hotel, street names, restaurants, tourist attractions, etc' and 'other types of specialized database' for the translation (p37-p38), which is reasonably read on the claimed limitation in light of specification (page 3, lines 9-11). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify COX in view of KRAEMER by providing specific phrases (subset of phrases) associated with different types of specialized database for the translation, as taught by ZHOU, for the purpose (motivation) of providing user desired one or more specialized database in a language translation and/or implementing a user-driven term replacement scheme for simplifying the translation process (ZHOU: p38; abstract).

As per claim 19 (depending on claim 17), COX in view of KRAEMER and ZHOU further discloses "the anticipated context is entered by the user" (COX: col. 7, lines 54-62, 'the user ...to choose (enter) the target language (anticipated context)').

As per claim 21 (depending on claim 17), COX in view of KRAEMER and ZHOU further discloses "the setting or location is sensed by, determined by, or signaled to the mobile terminal" (COX: col. 5, lines 3-18).

As per claims 3, 5 and 7 (depending on claim 17), the rejection is based on the same reason described for claims 17, 19 and 21 respectively, because the method claims and apparatus

claims are related as apparatus and method of using same, with each claimed element's function corresponding to the claimed method step.

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a). A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

7. Please address mail to be delivered by the United States Postal Service (USPS) as follows:

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to QI HAN whose telephone number is (571)272-7604. The examiner can normally be reached on M-TH:9:00-17:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richemond Dorvil can be reached on (571)-272-7602. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

QH/qh
December 7, 2008
/Qi Han/
Examiner, Art Unit 2626